

Serial No. 10/017,317

REMARKS**STATUS OF THE CLAIMS**

Claims 1-20 stand rejected in this application and remain pending and under consideration. Claims 1, 5, 7, 8, 11, 13, 15, 17 and 18 have been amended. No new matter is being presented, and reconsideration is respectfully requested.

Claims 1, 5, 7, 8, 11, 13, 15, 17 and 18 have been amended to correct inadvertent typographical errors. The amendments are not substantive and do not raise new issues, and accordingly are submitted to be entitled to entry.

PREMATURE FINAL REJECTION

The Final rejection of May 31, 2005 appears premature for failing to address arguments presented in the Response filed April 18, 2005 that were based on existing recitations of the claims as then pending.

During a telephone conversation with the Examiner on October 31, 2005, Counsel pointed out to the Examiner that in the previous response filed April 18, 2005, on page 8, the argument was presented that the prior art fails to teach or suggest that the respective cache memory units are each capable of switching a state between an ordinary state and a lower consumption power state.

In the discussion of October 31, 2005, the Examiner agreed to discuss the matter further in a telephone discussion on November 2, 2005.

Accordingly, Applicants are filing concurrently a Notice of Appeal to maintain pendency of the application, and look forward to a further discussion with the Examiner on November 2, 2005, which hopefully will lead to an agreement on allowance of the claims and avoidance of any need to resolve the issue of the apparent premature character of the Final Office Action, on which issue Applicants reserve the right to proceed should an allowance not be forthcoming.

REJECTIONS OF CLAIMS 1-20 FOR OBVIOUSNESS UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER FARRELL (U.S. PATENT NO. 5,014,195) IN VIEW OF ALBONESI (DAVID H. ALBONESI, "SELECTIVE CACHE WAYS: ON-DEMAND RESOURCE ALLOCATION," 1999)

The rejections of claims 1-20 are respectfully traversed and reconsideration is requested.

In the Response to Arguments, at page 2, item 3, of the Office Action, the Examiner

Serial No. 10/017,317

states, "applicant asserted that the prior art of record does not teach or suggest 'switching a state between an ordinary state and a lower power consumption state.'" The Examiner further states that Albonesi discloses a system to reduce cache energy dissipation by selectively disabling cache ways, and when a way is disabled, essentially no dynamic power is dissipated.

However, claim 1, for example, recites cache memory sections in number n, *each capable of switching a state between an ordinary state and a lower power consumption state*. (Emphasis added). The Examiner makes no mention of this feature of claim 1.

It is further submitted that Albonesi does not teach, or even suggest, *cache memory sections* capable of switching between an ordinary state and a power consumption state -- much less when *each* is capable of such switching. On the other hand, Albonesi teaches a cache controller which enables particular "ways". When a way is disabled, no data is selected from that "way" and, accordingly, no dynamic power is dissipated in that cache memory section.

Therefore, it is respectfully submitted that claim 1 patentably distinguishes over the prior art.

Independent claims 5, 11 and 15 all recite *cache memory sections* in number n, *each* capable of switching a state between an ordinary state and a lower consumption power state. Therefore, it is respectfully submitted that claim 5, 11 and 15 also patentably distinguish over the prior art.

Claims 2-4 depend from claim 1, claims 6-10 depend from claim 5, claims 12-14 depend from claim 11 and claims 16-20 depend from claim 15. Dependent claims 2-4, 6-10, 12-14 and 16-20 inherit the patentable recitations of their respective base claims and, thus, it is respectfully submitted that claims 2-4, 6-10, 12-14 and 16-20 also patentably distinguish over the prior art.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Serial No. 10/017,317

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: October 31, 2005

By: [Signature]
H. J. Staas
Registration No. 22,010

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450
on October 31, 2005
By: [Signature]
STAAS & HALSEY
Date: 10/31/05